

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Valerie Andre et al.

Application No.: 10/594,735

Confirmation No.: 1588

Filed: September 29, 2006

Art Unit: 1473

For: SURFACE-MODIFIED METAL OXIDES
METHODS FOR PRODUCTION AND USE
THEREOF IN COSMETIC PREPARATIONS

Examiner: Frazier, Barbara S

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed December 27, 2007, Applicant hereby provisionally elects claims 1, 2, and 12 (Group I) with traverse, and without prejudice or disclaimer for continued examination. Applicant reserves all rights to pursue non-elected claims in a divisional application. The Office Action requires selection of a species for examination. Applicants elect zinc oxide as a species.

The Examiner has required restriction between claims 1, 2, and 12 (Group I) drawn to a surface-modified nanoparticulate metal oxide, claims 3-9 and 13-20 (Group II) drawn to method of producing a surface-modified nanoparticulate metal oxide, and claims 10 and 11 (Group III) drawn to use of surface-modified nanoparticulate metal oxides for producing cosmetic preparations.

Applicants respectfully request reconsideration of the restriction action because all pending claims 1-20 have an additional technical feature not considered in the Office Action. In

particular, all the claims require either a coating with polyaspartic acid or precipitation in the presence of polyaspartic acid. This common technical feature in combination with features noted in the Office Action provide a unified invention.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 12810-00346-US1 from which the undersigned is authorized to draw.

Dated: January 24, 2008

Respectfully submitted,

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